IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 1512 (SS) of 2006

No. 4086015 Ex. Rifleman,
Khem Singh
Son of Sri Ram Singh,
Resident of village Laldhar,
P.O. – Rama Talla,
(Gairsain)
District – Chamoli. **…….Petitioner.**

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Chief Controller of Defence Account (Pension) Allahabad.
3. Senior Record Officer, Garhwal Rifles Regimental Centre, Lansdown, District – Pauri Garhwal.

…….Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri V.B.S. Negi, learned counsel for the petitioner and Sri Arvind Vashistha, learned Assistant Solicitor General on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

i. Issue a writ, order or direction in the nature of Certiorari to quash rejection order of Claim for disability Pension communicated vide letter dated 28.01.2006 (filed as Annexure no. 2) passed by respondent no. 3.

ii. *Issue a writ, order or direction is the nature of Mandamus directing the respondents to grant the disability pension to the petitioner from the date of his discharge from Army along with arrears and interest at the rate of 18% per annum.*

iii. *Issue any suitable writ order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.*

iv. *Award the cost of the writ petition to the petitioner.*

The case of the petitioner is that petitioner was enrolled as Rifleman in Garhwal Rifle on 27.12.2002 and after completing the basic training he was posted in "B" Company. On 08.07.2004 petitioner was admitted in Command Hospital (Eastern Command), Kolkata, and was discharged from Army under Army Rule 13 (3) (III) on 18.01.2005. Petitioner applied for disability pension but the same was rejected by the respondents on 28.01.2006. Against rejection order petitioner preferred statutory appeal before respondent no. 1 on 18.02.2006.

During the course of argument learned counsel for the petitioner has confined his prayer to the extent that respondent no. 1 be directed to dispose of his appeal preferred is before him on 18.02.2006 within a time prescribed by this court.

The prayer is innocuous, as such, I deem it fit and proper to direct the respondent no. 1 to decide the petitioner's appeal dated 18.02.2006 within a period of three

months from the date of production of certified copy of this order.

With this direction the writ petition as well as interim relief application no. 14656 of 2006 is finally disposed of.

(M.M. Ghildiyal, J)

December 5, 2006
SKSharma